

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 41-43 and 48-69 are pending. Claims 41, 48, 53, 55, 60, 62, 67, and 68 are amended and Claim 70 is canceled without prejudice or disclaimer by the present amendment. As amended Claims 41, 48, 53, 55, 60, 62, 67, and 68 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Office Action, Claims 41-43 and 48-70 were rejected under 35 U.S.C. §112, second paragraph; and Claims 41-43 and 48-70 were rejected under 35 U.S.C. §103(a) as unpatentable over Bieganski et al. (U.S. Patent No. 6,412,012, hereinafter “Bieganski”) in view of Medina et al. (U.S. Patent No. 6,959,288, hereinafter “Medina”) and further in view of Van Huben et al. (U.S. Patent No. 5,966,707, hereinafter “Van Huben”).

With regard to the rejection of Claims 41-43 and 48-70 under 35 U.S.C. §112, second paragraph, Claims 41, 48, 53, 55, 60, 62, 67, and 68 are amended to delete references to user actuated indicators and Claim 70 is canceled without prejudice or disclaimer. Consequently, Claims 41, 48, 53, 55, 60, 62, 67, and 68 (and all claims dependent therefrom) are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 41, 48, 53, 55, 60, 62, 67, and 68 as unpatentable over Bieganski in view of Medina and further in view of Van Huben, that rejection is respectfully traversed.

Amended Claim 41 recites in part:

a recording unit configured to record the group of contents including a plurality of contents, history data indicative of usage history of the contents, and at least two filtering data sets, each of the at least two filtering data sets defining a filtering criteria as a computation of a weight per

¹See, e.g., Figures 39 and 47 and the related description.

each of the contents in accordance with a respective filtering criteria;

a filtering criteria setting unit configured to set the filtering data sets based on the history data input by a user;

a computing unit configured to compute a weight per each of the contents based on both the history data and one of the at least two filtering data sets set by the filtering criteria setting unit;

a selecting unit configured to select a content from the group of contents based on the weight computed by the computing unit and to create at least two filtering packages which are different combinations of the contents from the group of contents, each of the at least two filtering packages represents a list of content identification information identifying the content selected;

a displaying unit configured to display the group of contents and the at least two filtering packages representing the list including the combinations of the contents; and

a reproducing unit configured to reproduce the content included in a filtering package read from the recording unit if the user selects the content in the list of the filtering package.

Bieganski describes a system for making recommendations to a user based on user preference data compiled based on a history of a user choices.² The outstanding Office Action conceded that Bieganski does not describe “a selecting unit configured to ... create at least two filtering packages” and cited Medina as describing this feature.³

Medina describes an electronic distribution system for securely transferring digital content.⁴ Figure 8 of Medina shows a workflow manager tool 154 of this system, which operates according to the flow diagrams shown in Figures 12 and 13, all of which were cited as describing “a selecting unit configured to ... create at least two filtering packages.”

However, no portion of Medina appears to describe ***at least two filtering packages which are different combinations of the contents from the group of contents***, much less ***each of the at least two filtering packages represents a list of content identification information identifying the content selected***. The specific portions of Medina cited do not appear to

²See Bieganski, column 7, lines 26-45.

³See the outstanding Office Action at page 6.

⁴See Medina, column 9, lines 44-51.

describe multiple lists of any kind. Further, as the purpose of Medina is to efficiently distribute digital media, there would be reason for the device of Medina to include multiple lists which may have redundant content in the lists. Accordingly, such a feature cannot be inherent in Medina either. Therefore, it is respectfully submitted that Medina does not teach or suggest “a selecting unit configured to ... create at least two filtering packages *which are different combinations of the contents from the group of contents, each of the at least two filtering packages represents a list of content identification information identifying the content selected.*”

Moreover, Bieganski only describes making recommendations for purchasing products, and thus cannot describe “a reproducing unit configured to reproduce the content included in a filtering package read from the recording unit if the user selects the content in the list of the filtering package.” Further, as shown in Figures 1A-1D of Medina, only end-user device 109 includes a player application 195. The content provider 100, which includes workflow manager tool 154, does not appear to include any player application.

Finally, it is respectfully submitted that Van Huben does not teach or suggest any of these features either.

Therefore, the proposed combination does not teach or suggest “a selecting unit” and “a reproducing unit” as defined in amended Claim 41. Consequently, Claim 41 (and Claims 42, 43, and 69 dependent therefrom) is patentable over Bieganski in view of Medina and further in view of Van Huben.

As amended Claims 48 and 67 also recite:

a selecting unit configured to select a content from the group of contents based on the weight computed by the computing unit and to create at least two filtering packages which are different combinations of the contents from the group of contents, each of the at least two filtering packages represents a list of content identification information identifying the content selected; and

...

a reproducing unit configured to reproduce the content included in a filtering package read from the recording unit if the user selects the content in the list of the filtering package.

Thus, amended Claims 48 and 67 are patentable for at least the reasons described above with respect to Claim 41.

Amended Claims 53, 55, 60, 62, and 68 recite in part:

selecting a content from the group of contents based on the weight computed in the computing and ***creating at least two filtering packages which are different combinations of the contents from the group of contents, wherein each of the at least two filtering packages represents a list of content identification information identifying the content selected;***

...

reproducing the content included in a filtering package read from the recording unit if the user selects the content in the list of the filtering package.

As noted above, the outstanding Office Action conceded that Bieganski does not describe “to create at least two filtering packages” and cited Medina as describing this feature. However, no portion of Medina appears to describe ***creating at least two filtering packages which are different combinations of the contents from the group of contents, much less each of the at least two filtering packages represents a list of content identification information identifying the content selected.*** Moreover, Bieganski only describes making recommendations for purchasing products, and thus cannot describe “reproducing the content included in a filtering package read from the recording unit if the user selects the content in the list of the filtering package.” Further, as shown in Figures 1A-1D of Medina, only end-user device 109 includes a player application 195. The content provider 100, which includes workflow manager tool 154, does not appear to include any player application. Finally, it is respectfully submitted that Van Huben does not teach or suggest these features either. Therefore, it is respectfully submitted that the proposed combination does not teach or suggest “selecting” and “reproducing” as defined in amended

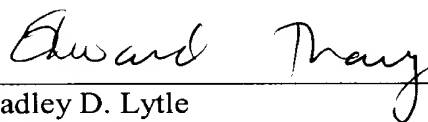
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Reply to Office Action of February 4, 2009

Claims 53, 55, 60, 62, and 68. Consequently, Claims 53, 55, 60, 62, and 68 (and Claims 54, 56-59, 61, and 63-67 dependent therefrom) are patentable over Bieganski in view of Medina and further in view of Van Huben.

Accordingly, the pending claims are believed to be in condition for formal allowance.
An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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